

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Assaf Govari Confirmation No.: 4469  
Appln. No. : 10/807,979  
Filed : March 24, 2004  
Title : PHASED-ARRAY FOR TISSUE TREATMENT  
Art Unit : 3739  
Examiner : Vrettakos, Peter J.

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November 3, 2008

(Date of Transmission)

Seth Weinfeld

(Name of applicant, assignee, or Registered Representative)

/Seth Weinfeld/

(Signature)

November 3, 2008

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NON-COMPLIANT APPEAL BRIEF NOTIFICATION**

Appellant submits this Response in Reply to the Notification of Non-Compliant Appeal Brief dated October 3, 2008 (the "Notification"). Appellant submits that this Response is fully responsive to the Notification.

The Notification states that the Appeal Brief fails to contain a statement of the status of the claims, including the cancelled claims. Additionally, the Notification requests a clarification for claim 4. Appellant submits the follow status of the claims:

**iii. Status of the Claims**

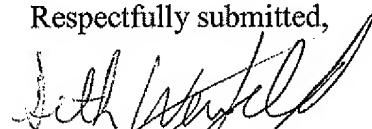
Claims 1 and 5-11 are pending in the case. Claims 2-4 and 12-22 are cancelled. Appellant notes that claim 4 was cancelled in an Amendment dated September 12, 2007. In the Final Rejection dated November 19, 2007 (which this Appeal is taken from), claims 1 and 4-11 were finally rejected. Notably, the Office Action summary states that claims 1 and 4-14 are rejected. Similarly, the statement of the rejection, at page 2 states that claims 1 and 4-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,971,294 (Sliwa, Jr., et al.) in view of U.S. Patent No. 5,331,947 (Shturman). However, in the body of the rejection claim 4 is not mentioned or rejected. Appellant believes that the summary and statement of the rejection was incorrect and should have read “claims 1 and 5-11”.

Appellant notes that the Claims Appendix correctly identifies the status of the claims.

For the purposes of this Appeal, Appellant’s arguments set forth in section vii are directed to the pending claims, namely claims 1 and 5-11.

Appellant kindly requests consideration of the Response.

Respectfully submitted,



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SWM:ae

**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
**BIO5044 (23543)**

In Re Application Of: **Assaf Govari**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
<b>10/807,979</b>	<b>3/24/04</b>	<b>Peter J. Vrettakos</b>	<b>27777</b>	<b>3739</b>	<b>4469</b>

**Title: PHASED-ARRAY FOR TISSUE REPLACEMENT**

**COMMISSIONER FOR PATENTS:**

Transmitted herewith is:

**RESPONSE TO NON-COMPLIANT APPEAL BRIEF NOTIFICATION**

in the above identified application.

- No additional fee is required.
- A check in the amount of \_\_\_\_\_ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.
  - Charge the amount of \_\_\_\_\_
  - Credit any overpayment.
  - Charge any additional fee required.
- Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**



*Seth Weinfeld*  
Signature

Dated: **November 3, 2008**

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